

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

LARRY EDWARD ADAMS,

Petitioner,

vs.

E.K. McDANIEL, *et al.*,

Respondents.

2:98-CV-1441-KJD-PAL

**ORDER**

On November 10, 2011, petitioner Adams filed a request that this court entertain a motion for relief from judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. Docket #250. Adams claims to have unearthed new evidence that is relevant to Ground Nine of his habeas petition, a Confrontation Clause claim that this court denied on the merits. According to Adams, this evidence establishes fraud occurred during his criminal trial with respect to the identity and background of one of the State's witnesses.

Having reviewed the material submitted by Adams in support of his request, this court concludes that the appropriate avenue of relief for Adams is to seek permission to file a successive petition pursuant to 28 U.S.C. § 2244(b). *See Gonzalez v. Crosby*, 545 U.S. 524, 531 (2005) (holding that use of Rule 60(b) to present substantive claims for relief would circumvent AEDPA<sup>1</sup> requirements set forth at § 2244(b)). As such, this court declines to entertain Adams's proposed

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<sup>1</sup> Antiterrorism and Effective Death Penalty Act of 1996.

1 motion for relief pursuant to Rule 60(b).

2 **IT IS THEREFORE ORDERED** that petitioner's request to entertain a motion for relief  
3 pursuant to Rule 60(b) of the Federal Rules of Civil Procedure (docket #250) is DENIED.

4 DATED: December 27, 2011

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7 UNITED STATES DISTRICT JUDGE  
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